

MINUTES OF THE PUBLIC MEETING OF THE UTAH COUNTY COMMISSION OCTOBER 26, 2015 IN THE COMMISSION CHAMBERS OF THE COUNTY BUILDING AT 147 EAST MAIN, VERNAL, UTAH. MEETING COMMENCED AT 11:00 AM.

PARTICIPANTS: COMMISSIONERS BILL STRINGER, MARK RAYMOND, AND MICHAEL MCKEE, CHAIR.

ATTENDANCE: LIBERTY BEST, KIRSTEN BAUMGARTEN, JC BREWER, KELLY HAYS, CHERYL STOCKS, PUBLIC, TROY OSTLER, BRENDA MCDONALD, BRYAN MEIER, CHERYL MEIER, ZEKE ATWOOD, ROBERT BARNHILL, MATT CAZIER, JOEL BROWN, WENDI LONG, SEVERAL PUBLIC. JON STEARMER,

MINUTES RECORDED BY TAI BRUCKNER

PRAYER GIVEN BY BRENDA MCDONALD

PLEDGE OF ALLEGIANCE LED BY ZEKE ATWOOD

APPROVAL OF REGULAR COMMISSION MINUTES OCTOBER 19, 2015

WARRANTS DATED OCTOBER 22, 2015 IN THE AMOUNT OF \$258,120.03 WERE APPROVED AS PRESENTED.

TAX MATTERS: MICHAEL WILKINS

MICHAEL ASKED THE COMMISSION TO ABATE TAXES IN THE AMOUNT OF \$1,517.46 ON SERIAL NUMBER 05:101:0007 AND MOVE THE PROPERTY INTO TAX DISTRICT 98. THIS PROPERTY WAS PURCHASED BY THE COUNTY.

HE ALSO ASKED THE COMMISSION TO ADJUST TAXES IN THE AMOUNT OF \$2,797.38 FOR 31 UTAH COUNTY DISABLED VETERAN ACCOUNTS. THEY WERE SHORTED VALUE FOR TAX YEAR 2015.

MICHAEL ASKED THE COUNTY TO APPROVE AN INDIGENT ABATEMENT OF 50% OF THE 2015 TAXES FOR SERIAL NUMBER 06:042:0017.

COMMISSIONER STRINGER MOVED TO APPROVE THE ABATEMENT, THE VETERANS ADJUSTMENTS, AND THE INDIGENT AS PRESENTED. COMMISSIONER RAYMOND SECONDED. MOTION PASSED UNANIMOUSLY.

TAX MATTERS: WENDI LONG

WENDI ASKED THE COMMISSION TO ADJUST 2014 AND 2015 TAXES IN THE AMOUNT OF \$3,280.78 FOR SERIAL NUMBER 05:094:0004. THIS SERIAL NUMBER SHOULD HAVE BEEN DELETED FROM THE RECORDS IN 2014.

COMMISSIONER RAYMOND MOVED TO APPROVE THE ADJUSTMENT AS PRESENTED. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

TAX MATTERS: BARBARA SIMPER

BARBARA REQUESTED THE COMMISSION ABATE TAXES IN THE AMOUNT OF \$123.73, \$4.77 IN INTEREST, AND \$25 IN PENALTIES FOR TAX YEAR 2015 FOR SERIAL NUMBER 03:086:0011. THE PERSONAL PROPERTY ACCOUNT WAS ATTACHED TO THEIR REAL PROPERTY BUT PAYMENT HAS BEEN RECEIVED.

SHE ALSO REQUESTED THE COMMISSION APPROVE ABATEMENT OF TAXES IN THE AMOUNT OF \$1,142.70 FOR TAX YEAR 2015 ON SERIAL NUMBER 05:066:0012. THE PROPERTY SHOULD RECEIVE THE PRIMARY RESIDENTIAL EXEMPTION. THEIR SECONDARY RESIDENCE IS IN WASHINGTON COUNTY.

BARBARA ALSO REQUESTED APPROVAL OF A MOTOR VEHICLE REFUND IN THE AMOUNT OF \$110 TO BUGGSY'S WATER SERVICE FOR A RENEWED REGISTRATION ON A VEHICLE THAT WAS SOLD.

COMMISSIONER STRINGER MOVED TO APPROVE THE ABATEMENTS AND REFUND AS PRESENTED. COMMISSIONER RAYMOND SECONDED. MOTION PASSED UNANIMOUSLY.

BUSINESS LICENSES: ROBERT BARNHILL

JAMES COSTELLO, OWNED BY JAMES COSTELLO, LOCATED AT 448 EAST 500 NORTH, ROOSEVELT. THIS IS A DOOR TO DOOR SALES BUSINESS. HE IS AN INDEPENDENT REPRESENTATIVE FOR DOTERRA. THE SALES WILL ACTUALLY GO THROUGH THE COMPANY'S WEBSITE. HE MEETS THE REQUIREMENTS OF THE ORDINANCE AND HAS RECEIVED A SHERIFF DEPARTMENT SIGNATURE. APPROVAL IS RECOMMENDED.

COMMISSIONER RAYMOND MOVED TO APPROVE THE BUSINESS LICENSE AS PRESENTED WITH THE RECOMMENDED CONDITIONS. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

CEMETERY CERTIFICATES: MICHAEL WILKINS

BART HASLEM AND LORI HASLEM PURCHASED BLOCK 334 LOT A SPACES 25-48 IN THE ROCKPOINT CEMETERY FOR THE SUM OF \$7,200.

DAVID JENKINS AND KIM JENKINS PURCHASED BLOCK 334 LOT B SPACES 1-16 IN THE ROCKPOINT CEMETERY FOR THE SUM OF \$4,800.

CONSTANCE JUDD PURCHASED BLOCK 108 LOT C SPACE 1 IN THE LAPOINT CEMETERY FOR THE SUM \$250.

BURKE HANBERG AND JULENE HANBERG PURCHASED LOT 757 SPACES 4 & 8 IN THE MAESER FAIRVIEW CEMETERY FOR THE SUM OF \$600.

SCOTT SPAULDING AND CINDY SPAULDING PURCHASED LOT 911 SPACES 3 IN THE MAESER FAIRVIEW CEMETERY FOR THE SUM OF \$300.

NICK WEISGERBER AND SARAH WEISGERBER PURCHASED LOT 913 SPACE 4 IN THE MAESER FAIRVIEW CEMETERY FOR THE SUM OF \$300.

LUCY LOUCK PURCHASED LOT 619 A SPACE 1 IN THE MAESER FAIRVIEW CEMETERY FOR THE SUM OF \$300.

VERLA WILLIAMS PURCHASED BLOCK H96.0 LOT 1 SPACES 5 & 6 IN THE VERNAL MEMORIAL PARK CEMETERY FOR THE SUM OF \$600.

VICTOR AIMES BROMLEY PURCHASED BLOCK H 52 ½ LOT 2 SPACE 1 IN THE VERNAL MEMORIAL PARK CEMETERY FOR THE SUM OF \$300.

COMMISSIONER STRINGER MOVED TO APPROVE THE CEMETERY CERTIFICATES AS PRESENTED. COMMISSIONER RAYMOND SECONDED. MOTION PASSED UNANIMOUSLY.

EVENT FUNDING THANK YOU FOR DINOTRI

ERIN RAWLINGS APOLOGIZED FOR TAKING SO LONG TO COME IN TO THANK THE COMMISSIONERS FOR THEIR SUPPORT OF THE DINOTRI. THE NO GIMMICKS RACING GROUP IS NOW RUNNING THE DINOTRI AS WELL AS THE REAL MCCOY ACTIVITY. BOTH EVENTS WERE SUCCESSFUL AND LOTS OF FUN. THE DINOTRI REGISTRATION MATCHED WHAT THEY HAD LAST YEAR, AROUND 150. THIS DOESN'T INCLUDE THE MANY VOLUNTEERS FROM THE COMMUNITY INCLUDING THE HIGH SCHOOL FOOTBALL AND STUDENT COUNCIL MEMBERS AS WELL AS THE ROTARY CLUB. THE REAL MCCOY EVENT SAW AN INCREASE IN PARTICIPATION. THE COMMISSIONERS ALSO THANKED THEM FOR THEIR HARD WORK. LESHA COLTHARP ADDED THE COMMUNITY EVENTS ARE A HUGE PART OF OUR LOCAL TOURISM AND IS GREATLY APPRECIATED.

CHILDREN'S JUSTICE CENTER, CJC, CONTRACT AMENDMENT

JON STEARMER PRESENTED THIS AMENDMENT FOR TONYA MURRAY WHO WAS UNABLE TO ATTEND THE MEETING. THIS IS THE STANDARD STATE OF UTAH CONTRACT AMENDMENT BETWEEN THE ATTORNEY GENERAL'S OFFICE AND THE COUNTY. THERE IS A ROLLOVER IN THE AMOUNT OF \$433 CHANGING THE CONTRACT AMOUNT TO \$120,2018 EFFECTIVE NOVEMBER 1, 2015.

COMMISSIONER RAYMOND MOVED TO APPROVE THE AMENDMENT TO THE CJC CONTRACT AS PRESENTED AND AUTHORIZE SIGNATURES. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

COMMISSIONER RAYMOND ADDED TONYA IS BECOMING ACQUAINTED WITH THE NEW SERVICE DOG FOR THE CJC. WINK PASSED AWAY OVER THE SUMMER.

TRANSPORTATION DISTRICT TO SIGN OVER 500 WEST DRAINAGE AND 500 WEST ROAD PROJECTS

ADAM MASSEY NOTED A FEW ISSUES HAVE COME UP OVER THE LAST FEW DAYS AND ASKED THE COMMISSIONERS TO TABLE THE PROJECT ACCEPTANCE UNTIL THE ISSUES ARE ADDRESSED. TROY OSTLER ADDED THE ISSUES ARE SEPARATE FROM THE PROJECT ITSELF BUT THEY WILL WORK WITH ASHLEY VALLEY WATER TO TAKE CARE OF THEM.

COMMISSIONER RAYMOND MOVED TO TABLE THE ISSUE UNTIL IT IS READY. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

CONSIDERATION OF AMENDMENT TO INTERLOCAL AGREEMENT WITH VERNAL CITY AND THE UTAH TRANSPORTATION SSD FOR THE SPONSORSHIP, OPERATION, AND MAINTENANCE OF THE VERNAL REGIONAL AIRPORT

CONSIDERATION OF AMENDMENT TO AGREEMENT WITH VERNAL CITY AND THE UTAH TRANSPORTATION SSD LEASING REAL PROPERTY, IMPROVEMENTS, AND PERSONAL PROPERTY TO THE UTSSD

COMMISSIONER MCKEE VERIFIED WITH ADAM MASSEY THE TRANSPORTATION SSD HAS APPROVED THIS UPON LEGAL AND BUDGET REVIEW. AN EMAIL WAS RECEIVED THIS MORNING FROM THEIR ATTORNEY APPROVING THE DOCUMENT. THIS HAS BEEN A LONG PROCESS BUT WORTH IT. LOREN ANDERSON NOTED THIS AGREEMENT HAD BEEN APPROVED RECENTLY BUT THERE HAVE BEEN A FEW CHANGES MADE ON BEHALF OF THE DISTRICT. THE LEASE AGREEMENT WAS ALSO AMENDED TO REFLECT THE SAME CHANGES. THE MUNICIPAL BUILDING AUTHORITY, MBA, HAS BEEN INCLUDED AND THE EFFECTIVE DATE CHANGED TO NOVEMBER 1ST. A FEW ITEMS WERE REMOVED IN REGARDS TO THE ENGINEERS. THE AGREEMENT WITH THE ENGINEERS, GDA, WILL REMAIN WITH THE SPONSORS. THE VERNAL CITY ATTORNEY HAD ONE ISSUE AND THAT WAS ADDRESSED.

COMMISSIONER RAYMOND MOVED TO APPROVE THE AMENDMENT TO THE INTERLOCAL AGREEMENT AND THE LEASE AGREEMENT AS PRESENTED AND AUTHORIZE SIGNATURES. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

GDA ENGINEERS ADDENDUM B TO AMENDMENT #6

KELLY HAYS PRESENTED THE ADDENDUM. WE HAVE RECEIVED APPROVAL FOR PHASE 2, EARTHWORK AND DRAINAGE FOR THE CONSTRUCTION. THIS REQUIRED A 404 PERMIT WHICH WAS APPROVED RECENTLY. THE PERMIT HAS TAKEN 2 YEARS TO OBTAIN. COMMISSIONER RAYMOND TOOK A MOMENT TO STRESS THE IMPORTANCE OF THIS PERMIT AND GIVE CREDIT TO KELLY FOR SEEING IT THROUGH. IT HAS NOT BEEN AN EASY PERMIT TO OBTAIN, IT HAS BEEN TIME CONSUMING AND FRUSTRATING. SENATOR HATCH AND THE LOBBYIST IN DC WERE ALSO INVOLVED. THE ARMY CORPS OF ENGINEERS DOES NOT WORK IN A TIMELY MANNER. THE FINAL MITIGATION PLAN IS \$80,000 OVER 2 YEARS. GDA HAD NOT REQUESTED REIMBURSEMENT UNTIL THE PERMIT WAS APPROVED. THE GRANT COVERS THE COSTS.

COMMISSIONER RAYMOND MOVED TO APPROVE ADDENDUM B TO AMENDMENT #6 AND AUTHORIZE SIGNATURES. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

COMMISSIONER MCKEE NOTED AS COMMUNITY LEADERS WE DO NOT WANT TO SEE THE EXPANSION OF THE CLEAN WATER ACT. IT TAKES YEARS TO OBTAIN PERMITS AND EXPANSION WOULD INHIBIT WHAT PRIVATE LANDOWNERS CAN DO WITH THE DITCHES ON THEIR OWN PROPERTY. THE AQUIFER ISSUE AT THE AIRPORT IS STILL BEING WORKED ON AND IS UNRELATED.

RECESS FOR MUNICIPAL BUILDING AUTHORITY

COMMISSIONER STRINGER MADE THE MOTION TO RECESS FOR THE MUNICIPAL BUILDING AUTHORITY AND THEN TO RECONVENE BACK IN TO COMMISSION MEETING WHEN MBA BUSINESS IS COMPLETED. COMMISSIONER RAYMOND SECONDED. MOTION PASSED UNANIMOUSLY.

CONSIDERATION OF AMENDMENT TO INTERLOCAL AGREEMENT WITH VERNAL CITY AND THE UTAH TRANSPORTATION SSD FOR THE SPONSORSHIP, OPERATION, AND MAINTENANCE OF THE VERNAL REGIONAL AIRPORT

CONSIDERATION OF AMENDMENT TO AGREEMENT WITH VERNAL CITY AND THE UTAH TRANSPORTATION SSD LEASING REAL PROPERTY, IMPROVEMENTS, AND PERSONAL PROPERTY TO THE UTSSD

COMMISSIONER RAYMOND NOTED AS THE MUNICIPAL BUILDING AUTHORITY, THE COUNTY ACCEPTS FUNDS SO AS NOT TO IMPACT FUNDING FROM TRT, SRS, AND PILT SOURCES. COMMISSIONER RAYMOND SERVES AS THE MBA CHAIR. AS THE MBA ALSO HAS AN INTEREST IN THE AIRPORT, THE MBA MUST APPROVE THE AGREEMENTS.

COMMISSIONER MCKEE VERIFIED WITH ADAM MASSEY THE TRANSPORTATION SSD HAS APPROVED THIS UPON LEGAL AND BUDGET REVIEW. AN EMAIL WAS RECEIVED THIS MORNING FROM THEIR ATTORNEY APPROVING THE DOCUMENT. THIS HAS BEEN A LONG PROCESS BUT WORTH IT. LOREN ANDERSON NOTED THIS AGREEMENT HAD BEEN APPROVED RECENTLY BUT THERE HAVE BEEN A FEW CHANGES MADE ON BEHALF OF THE DISTRICT. THE LEASE AGREEMENT WAS ALSO AMENDED TO REFLECT THE SAME CHANGES. THE MUNICIPAL BUILDING AUTHORITY, MBA, HAS BEEN INCLUDED AND THE EFFECTIVE DATE CHANGED TO NOVEMBER 1ST. A FEW ITEMS WERE REMOVED IN REGARDS TO THE ENGINEERS. THE AGREEMENT WITH THE ENGINEERS, GDA, WILL REMAIN WITH THE SPONSORS. THE VERNAL CITY ATTORNEY HAD ONE ISSUE AND THAT WAS ADDRESSED.

COMMISSIONER MCKEE MOVED TO APPROVE THE AMENDMENT TO THE INTERLOCAL AGREEMENT AND THE LEASE AGREEMENT AS PRESENTED AND AUTHORIZE SIGNATURES. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

ADJOURN MBA – RECONVENE COMMISSION MEETING

CONSIDERATION OF RESOLUTION #10-26-2015 R1: RECLASSIFY PORTIONS OF 900 NORTH AND 2000 WEST FROM PRIVATE TO 1B PAVED

JON STEARMER LED THE DISCUSSION ON THE RESOLUTIONS AND ASKED THAT THEY ALL BE APPROVED IN ONE MOTION AS THEY ARE RELATED. EACH RESOLUTION ALSO HAS A MAP SHOWING THE EXACT LOCATION.

CONSIDERATION OF RESOLUTION #10-26-2015 R2: ACCEPT CERTAIN CLASS B ROADS WITHIN LUCKY ACRES SUBDIVISION INTO THE TRANSPORTATION MAP

CONSIDERATION OF RESOLUTION #10-26-2015 R3: ACCEPT CERTAIN CLASS B ROADS WITHIN THE ASHLEY HEIGHTS SUBDIVISION PLAT C INTO THE TRANSPORTATION MAP

CONSIDERATION OF RESOLUTION #10-26-2015 R4: ACCEPT CERTAIN CLASS B ROADS WITHIN SILVER LEAF SUBDIVISION INTO THE TRANSPORTATION MAP

THE RESOLUTIONS HAVE BEEN REVIEWED BY THE ROAD, GIS, COMMISSION, AND THE ATTORNEY'S OFFICES. THE 900 NORTH ROAD WAS TAKEN OVER BY THE COUNTY YEARS AGO AS PART OF A SPECIAL TAXING DISTRICT. THE RESIDENCES IN THAT SUBDIVISION AGREED TO PAY FOR THE UPGRADE. IT NOW NEEDS TO BE PLACED ON THE COUNTY TRANSPORTATION MAP. THE OTHERS ARE SUBDIVISIONS THAT HAVE BEEN ACCEPTED IN THE LAST MONTH OR SO AND NEED TO BE PLACED ON THE MAP.

COMMISSIONER RAYMOND MOVED TO APPROVE RESOLUTIONS #10-26-2015 R1, R2, R3, AND R4 AS PRESENTED AND AUTHORIZE SIGNATURES. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

COMMUNITY DEVELOPMENT:

SUBDIVISION: 1. KEITH & RAHNENA CALDWELL – FINAL PLAT APPROVAL AND VARIANCE TO THE CURB, GUTTER AND SIDEWALK, REQUIREMENTS FOR THE VALLEY VIEW SUBDIVISION AT 3680 WEST MAIN ST. VERNAL. SERIAL NUMBER 04:115:0056

THIS IS APPROXIMATELY SIX ACRES AND IS PART OF A LARGER PIECE. LOOKING NORTH, THE LARGER PIECE HAS BEEN BROKEN OUT INTO NINE LOTS OVER THE LAST THREE YEARS. A MINOR SUBDIVISION CAN BE USED IF ONLY NINE LOTS OR LESS. THIS HAS FORCED THEM INTO DOING A STANDARD SUBDIVISION. THEY PLAN ON BREAKING THE PROPERTY INTO THREE LOTS. PLANNING COMMISSION APPROVED THE CONCEPT AND DESIGN AND RECOMMENDED APPROVAL FO THE FINAL PLAT AND THE VARIANCE FROM REQUIRING CURB, GUTTER, AND SIDEWALKS.

COMMISSIONER STRINGER MOVED TO APPROVE THE FINAL PLAT AND VARIANCE AS REQUESTED. COMMISSIONER RAYMOND SECONDED. MOTION PASSED UNANIMOUSLY.

REZONE: 2. BRUCE & JACOY JONES - REZONE PROPERTY AT 2690 WEST 500 NORTH, VERNAL FROM RA-1, RESIDENTIAL AGRICULTURE TO C-1, COMMERCIAL. SERIAL NUMBER 04:110:0034

THIS PROPERTY IS .25 ACRES AND IS SURROUNDED BY RA-1 ZONING. THERE ARE SOME AREAS TO THE SOUTH AND WEST THAT ARE COMMERCIAL AND HIGH DENSITY HOUSING TO THE EAST. THE COMMERCIAL TO THE SOUTH WAS APPROVED OVER THE LAST COUPLE OF YEARS. THE FUTURE LAND USE PLAN SHOWS THE NORTH SIDE OF THE HIGHWAY AS RA-1 WITH COMMERCIAL TO THE EAST AND HIGHER DENSITY HOUSING SOUTH OF 500 NORTH. THEY PLAN TO REZONE THE FRONT OF THE PROPERTY WHERE THE OUTBUILDINGS ARE TO PUT IN THEIR BUSINESS. THE HOME WILL STAY ZONED RA-1. PLANNING COMMISSION DID NOT HEAR ANY PUBLIC COMMENTS AND RECOMMENDED APPROVAL AS IT IS DRAWN.

COMMISSIONER RAYMOND MOVED TO APPROVE THE REZONE AS PRESENTED. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

CONDITIONAL USE:

3. LINDA MURRAY – CUP FOR FLAG LOT AT 1129 SOUTH 2500 WEST, VERNAL. SERIAL NUMBER 05:076:0017.

THEY HAVE REQUESTED ONE FLAG LOT WITH LESSER SETBACKS. THEY HAVE 33 FEET ON THE ROAD. THERE IS ANOTHER HOME IN THE BACK THAT USES THE SAME ACCESS. THIS WOULD BE THE LAST FLAG LOT ALLOWED. THE HOUSE TO THE SOUTH IS TOO CLOSE TO THE PROPERTY LINE TO ALLOW FOR THE ACCESS AT THE SETBACKS REQUIRED IN THE ORDINANCE. THE HOME SHOULD BE 46 FEET FROM THE CENTER OF THE DRIVE AND THEY HAVE 31 FEET. PLANNING COMMISSION DID NOT HEAR ANY PUBLIC COMMENTS AND RECOMMENDED APPROVAL WITH THE CONDITIONS TO MEET ALL FLAG LOT REQUIREMENTS AND APPROVE THE EXISTING SETBACKS FOR THE EXISTING HOME. THIS WOULD NOT AFFECT ANYTHING CURRENTLY IN PLACE WITH THE HOME ON THE SOUTH EAST THAT USES THE EXISTING ACCESS. THERE IS NOT REASON TO BELIEVE THIS WOULD BE PART OF A FUTURE TRANSPORTATION CORRIDOR. THE ACCESS COULD NOT BE MOVED TO THE NORTH. THE PROPERTY TO THE NORTH WAS ALREADY SOLD AND ONLY 33 FEET WAS NOT SOLD.

COMMISSIONER STRINGER MOVED TO APPROVE THE FLAG LOT AND SETBACK VARIANCE AS REQUESTED AND AUTHORIZE SIGNATURES. COMMISSIONER RAYMOND SECONDED. MOTION PASSED UNANIMOUSLY.

4. MARC WESTERN – CUP FOR FLAG LOT AT 632 SOUTH 2500 WEST, VERNAL. SERIAL NUMBER 05:083:0003.

THEY ARE REQUESTING TWO FLAG LOTS WITH LESSER SETBACKS. THE AERIAL PHOTOS SHOW A HOME ON THE EAST END OF THE PROPERTY BUT IT HAS BEEN REMOVED. THEY ARE REQUESTING ONE LOT WITH FRONTAGE OFF 2500 WEST AND LOTS 2 AND 3 WOULD BE FLAG LOTS WITH ACCESS OFF 2500 WEST. THEY HAVE ASKED FOR A VARIANCE ON THE SETBACKS. THE SETBACKS SHOULD BE 56 FEET BUT THEY ARE REQUESTING 46 FEET. THE ORDINANCE ALSO REQUIRES ACCESS ALL THE WAY THROUGH THE PROPERTY FOR FURTHER DEVELOPMENT. THEY DO NOT SEE THE NEED TO PRESERVE ACCESS ON THIS PROPERTY. THE EXISTING HOUSE TO THE NORTH WOULD BE ABOUT 22 FEET FROM THE PROPERTY LINE, WHICH IS ABOUT 38.5 FEET FROM THE CENTER OF THE ACCESS. THIS HAS TO BE 46 FEET FOR ADMINISTRATIVE APPROVAL. PLANNING COMMISSION HELD A PUBLIC MEETING AND A FEW MEMBERS OF THE PUBLIC SPOKE. THEY WERE CONCERNED WITH THE HEAVY TRAFFIC ON 2500 WEST AND THE IMPACT OF HIGH DENSITY HOUSING. PLANNING COMMISSION RECOMMENDED APPROVAL OF THE FLAG LOT WITH THE CHANGES TO THE SETBACK REQUIREMENTS AS REQUESTED EXCEPT FOR LOT 2, THEY WILL HAVE TO USE THE 56 FOOT SETBACK. NO PROPOSED TRANSPORTATION CORRIDORS ON THE FUTURE PLAN WILL AFFECT THIS PROPERTY. THE LARGE PROPERTY TO THE WEST WAS ACCESSED FROM THE NORTH OFF 500 SOUTH. FARMING ACCESS WOULD BE POSSIBLE THROUGH THE FLAG LOT. PLANNING COMMISSION ALSO RECOMMENDED THE CONDITION ONLY SINGLE FAMILY HOMES CAN BE BUILT ON THE TWO FLAG LOTS AND THE APPLICANT AGREED TO THAT.

COMMISSIONER RAYMOND MOVED TO APPROVE THE FLAG LOTS AS PRESENTED WITH THE CONDITIONS PROPOSED BY PLANNING COMMISSION. COMMISSIONER STRINGER SECONDED.

LAURA CASTER, RESIDENT OF 2500 WEST, NOTED THERE IS A BIG HILL ON THIS ROAD THAT CAUSES A LOT OF TRAFFIC PROBLEMS. THERE IS A LOT OF HEAVY TRUCK TRAFFIC. DEBBIE FLIEGER LIVES ACROSS THE STREET FROM LAURA CASTER, JUST SOUTH OF THE PROPERTY IN QUESTION. SHE IS ALSO CONCERNED WITH THE TRAFFIC. COMMISSIONER MCKEE VERIFIED THIS IS THE MAXIMUM NUMBER OF LOTS THAT COULD BE BUILT UPON ON THIS PROPERTY. HE ASKED IF SHE WAS COMFORTABLE WITH JUST THE THREE HOMES. SHE AGREED. THE ROAD IS 35 MPH WITH A DOUBLE YELLOW LINE BUT PEOPLE GO AROUND THOSE TURNING ANYWAY AND THIS IS A HUGE SAFETY CONCERN. THE RESIDENTS ARE ALSO CONCERNED WITH THE SAFETY OF THE CHILDREN.

BRYAN MEIER, ROAD DEPARTMENT, NOTED THE HILL IS TECHNICALLY NOT A BLIND HILL BUT IT IS A CONCERN. ADAM MASSEY, TRANSPORTATION SPECIAL SERVICE DISTRICT ADDRESSED THE CONCERN. HE DRIVES THIS ROAD AS WELL AND THERE ARE SEVERAL SCHOOL BUSES TRAVELING IT. IT IS A BUSY ROAD AND A MAIN ROAD FOR MANY HIGH SCHOOL STUDENTS. THE COUNTY PATROLS IT WELL. HE IS NOT AGAINST THREE ADDITIONAL HOMES BUT IS CONCERNED WITH THE TRAFFIC.

MATT CAZIER ALSO NOTED PLANNING COMMISSION VOTED IN FAVOR FOUR TO ONE.

COMMISSIONER MCKEE CALLED FOR A VOTE. MOTION PASSED UNANIMOUSLY.

5. BURDICK MATERIALS – RENEW AND AMEND EXISTING CUP FOR A BATCH PLANT ON PROPERTY OWNED BY BINGGELI PROPERTIES AT 4268 SOUTH VERNAL AVE, VERNAL. SERIAL NUMBER 06:031:0061.

THIS IS A CONVOLUTED CONDITIONAL USE PERMIT. THERE IS A LOT OF INFORMATION REGARDING THE BACKGROUND IN THE STAFF REPORT WHICH THE COMMISSIONERS HAVE READ. THEY RECEIVED APPROVAL IN MAY 2003 FOR A SAND AND GRAVEL PIT. IN JANUARY 2004 THEY AMENDED THE CUP TO INCLUDE A PORTABLE CEMENT BATCH PLANT. THIS WAS APPROVED FOR THREE YEARS. THERE WAS AN APPEAL BUT THE DECISION WAS UPHELD. THE CUP WAS AMENDED IN MARCH 2005 TO MOVE THE BATCH PLANT FROM THE ORIGINAL LOCATION CLOSER TO THE GRAVEL PIT. THAT WAS

APPROVED FOR EIGHT YEARS FROM DATE OF ISSUANCE, BACK TO JANUARY 2004. THERE WAS A REVOCATION HEARING IN 2007 BECAUSE THE BATCH PLANT WAS NOT IN COMPLIANCE WITH THE CONDITIONS AT THAT TIME. THE CUP WAS NOT REVOKED BUT THEY HAD TO COME INTO COMPLIANCE. OCTOBER 2010 THEY REQUESTED AN EXTENSION THAT WAS APPROVED FOR FIVE YEARS. THIS BRINGS US UP TO DATE. IT IS HARD TO INTERPRET EVERYTHING WITH ALL THE MEETINGS OVER TIME. THE CUP WAS SIGNED WITH CONDITIONS BUT THERE MAY BE OTHER CONDITIONS LISTED IN MINUTES THAT WERE NOT LISTED IN THE SIGNED DOCUMENT. THE COMMISSION REQUESTED A LIST OF CURRENT CONDITIONS ALL ON ONE SHEET. LAST YEAR A COMPLAINT WAS RECEIVED THAT THEY WERE NOT FOLLOWING CONDITIONS. ROBERT BARNHILL WAS ASSIGNED TO LOOK THROUGH THE FILE AND SEE WHAT CONDITIONS WERE THERE AND INSPECT THE LOCATION. HE PUT TOGETHER A LIST FOR THE COMPANY AND THEY CAME INTO COMPLIANCE. THERE HAVE BEEN PHONE CALLS FROM NEIGHBORS WITH COMPLAINTS. PLANNING COMMISSION HELD A PUBLIC HEARING AND TWO MEMBERS OF THE PUBLIC SPOKE IN OPPOSITION. THEY WERE CONCERNED THE BATCH PLANT IS NOT FOLLOWING THE HOURS OF OPERATION AND NOT NOTIFYING THE COUNTY WHEN THEY WOULD BE WORKING OUTSIDE THOSE HOURS. THE OFFICE CONTACTED THEM WITH THIS CONCERN AND THE PLANT NOW CONTACTS COMMUNITY DEVELOPMENT WHEN THEY WILL BE WORKING OUTSIDE THE HOURS OF OPERATION. NEIGHBORS ARE ALSO CONCERNED THE COUNTY IS NOT PROACTIVE UNLESS THERE ARE COMPLAINTS. THE PLANT IS NOISY ALL HOURS OF THE DAY AND SOMETIMES AT NIGHT. THE NOISES INCLUDE VIBRATIONS. THE COUNTY CODE DOES NOT LIST THE BATCH PLANT AS A CONDITIONAL USE IN THIS ZONE. THEY WERE CONCERNED WITH THE CRYSTALLINE SILICA DUST. THERE ARE NOT CONDITIONS TO MITIGATE ALL THE HARMFUL EFFECTS OF A BATCH PLANT. NEIGHBORS ARE ALSO CONCERNED WITH THE VEHICLES ON THE ACCESS ROAD. DUST IS A CONCERN. THE BATCH PLANT IS A MUCH LARGER OPERATION THAN WHEN IT WAS APPROVED AS A PORTABLE PLANT.

PLANNING COMMISSION RECOMMENDED APPROVAL WITH THE FOLLOWING CONDITIONS: HOURS OF OPERATION MONDAY THROUGH FRIDAY 5 AM TO 9 PM AND THEY MUST CONTACT THE COMMUNITY DEVELOPMENT OFFICE AT LEAST 24 HOURS IN ADVANCE IF THEY WILL BE WORKING OUTSIDE THOSE HOURS; THE PERMIT IS APPROVED FOR FIVE YEARS; MAXIMUM SPEED ON THE ACCESS SHOULD BE 25 MILES PER HOUR; AND A DUST CONTROL PLAN APPROVED BY TRI COUNTY HEALTH MUST BE FOLLOWED. TRI COUNTY HEALTH RECEIVED A COMPLAINT LAST YEAR AND FOLLOWED UP ON IT AND REQUIRED THE PLANT TO SUBMIT A DUST CONTROL PLAN. THEY DID AND HAVE NOT BEEN OUT OF COMPLIANCE SINCE.

COMMISSIONER STRINGER NOTED HE HAS A SERIES OF QUESTIONS BUT THEY SHOULD BE ANSWERED OUTSIDE OF THIS MEETING. COMMISSIONER RAYMOND ALSO NOTED THIS BATCH PLANT WAS ORIGINALLY TEMPORARY AND NOT A LONG TERM PROJECT. IT APPEARS TO BE A LONGER PROJECT THAN ORIGINALLY ANTICIPATED. COMMISSIONER RAYMOND WOULD LIKE TO SEE A SITE PLAN SUBMITTED AND ADDRESS ISSUES REGARDING DUST CONTROL AND HOURS OF OPERATION. HE WOULD LIKE TO SEE MITIGATION EFFORTS AS WELL. COMMUNICATION IS VERY IMPORTANT. HE WOULD LIKE TO SEE THE CONCERNS WORKED OUT AND MUTUAL SOLUTIONS FOUND BEFORE THE COMMISSION MAKES A DECISION. COMMISSIONER MCKEE ADDED THIS WAS TEMPORARY BUT THERE IS A SIZABLE INVESTMENT IN THIS AREA. IT IS IMPORTANT TO TAKE THIS OPPORTUNITY TO BE FAIR AND WORK WITH BOTH SIDES.

COMMISSIONER RAYMOND MOVED TO TABLE THIS ITEM FOR THREE MONTHS AND REVIEW AGAIN. THEY NEED TO PROVIDE A SITE PLAN AND COOPERATIVE MEETINGS AND COMMUNICATION BETWEEN THE PLANT OPERATORS AND THE HOME OWNERS IN THE AREA TO FIND SOLUTIONS. THIS WILL BE ON THE AGENDA AGAIN FEBRUARY 1ST.

DAVID FAIREY EXPRESSED HIS APPRECIATION TO THE COMMISSION FOR THEIR THOUGHTFULNESS. HE LIVES AT 375 WEST 4000 SOUTH, JUST TO THE NORTH OF THE PLANT. HE OBJECTS TO THE CUP. HE WOULD PREFER TO WORK WITH PEOPLE TO RESOLVE DIFFERENCES HOWEVER, THERE ARE TIMES WHEN THAT IS NOT FEASIBLE OR REASONABLE. THEY SHOULD NOT HAVE TO MAKE CERTAIN COMPROMISES. THERE ARE SUBSTANTIAL ISSUES RELATED TO THIS LOCATION AND THE OVERALL PROCESS. THERE ARE OBVIOUS HEALTH CONCERNS. THE SIZE, SCOPE, AND FOOTPRINT NO LONGER

MATCHES WHAT WAS APPROVED YEARS AGO. AGGREGATE IS NOW TRUCKED INTO THE FACILITY. HE FEELS THE REPRESENTATIVES STATED ARGUMENTS CONTRADICTORY TO THEIR OWN USE. HE BELIEVES THE COMPANY WOULD NOT SUFFER IF IT WAS LOCATED ELSEWHERE. THEIR RESPONSE TIME AND ABILITY TO SATISFY CUSTOMERS WOULD NOT SUFFER. PRODUCTION EXCEEDS THEIR NEEDS. HE IS AFRAID THEY ARE MORE CONCERNED WITH THE BOTTOM LINE. THERE ARE OTHER SITES THAT WOULD BETTER MEET THE NEEDS. HE DOES NOT HAVE AN ISSUE WITH THE RIGHT TO OPERATE A PROFITABLE BUSINESS BUT NOT AT THE INTERFERENCE OF THE NEIGHBORING HOMES AND HEALTH. COMMISSIONER RAYMOND ASKED IF HE WOULD BE WILLING TO WORK WITH COMMUNITY DEVELOPMENT TO DISCUSS ISSUES AND POTENTIAL MITIGATION. HE SAID HE WOULD BUT LIVING NEXT TO IT, HE DOESN'T SEE ANY MITIGATION HAPPENING. SOME THINGS CANNOT BE CHANGED. COMMISSIONER MCKEE NOTED THERE HAVE BEEN COMPLAINTS WITH THE DUST AND THAT IS BEING MITIGATED. DUST IS NOT ALWAYS PRESENT BUT CAN BE SIGNIFICANT WHEN IT IS. IT IS DIFFICULT BUT POSSIBLE TO ENFORCE. DAVID FAIREY ALSO NOTED IT IS A STEEP HILL INTO THE PLANT AND HE UNDERSTANDS THE NEED FOR A JAKE BREAK BUT DRIVERS USE IT LONGER THAN NECESSARY. IT BECOMES AN ISSUE. DAVID HAS LIVED AT THIS LOCATION FOR 3.5 YEARS.

KIM HASLEM ALSO LIVES NEARBY AND ADDRESSED THE MEETING. SHE BOUGHT THE PROPERTY NORTH OF THE PLANT ABOUT 20 YEARS AGO. THERE WASN'T ANYTHING TO THE SOUTH WHEN SHE BOUGHT IT. SHE IS EFFECTED AND DISPUTING IT'S APPROVAL. THE USE HAS BEEN DETRIMENTAL TO THE HEALTH, SAFETY, AND WELFARE OF THEIR COMMUNITY. THE NOISE AND DUST IS NOT MITIGATED. IT IS NOT COMPATIBLE WITH THE EXISTING SURROUNDING USES. RESIDENTS WITHIN A MILE HAVE BEEN DIAGNOSED WITH CANCER. SILICA DUST EXPOSURE IS AN ISSUE. THE SICKNESSES CANNOT BE MITIGATED. THE COMMISSIONERS HAVE AN OBLIGATION TO PROTECT THE CITIZENS. THE UNUSED CEMENT IS POURED ON TO THE GROUND. THEY THEN TAKE WEEKS TO JACKHAMMER IT UP. THIS IS NOT PLEASANT FOR THE NEARBY HOMES. IT DETERIORATES THE ECOLOGY AND PRODUCES POLLUTANTS. IT DOES NOT PROTECT THE PROPERTY VALUES EITHER. A NEARBY SUBDIVISION IS SELF HELP HOUSING. THE HOME AND LAND WAS LISTED FOR SIX MONTHS LAST YEAR. SHE LOVES THE HOME AND VACANT LAND BUT DOESN'T WANT TO LIVE NEAR THE NUISANCE OF A CEMENT PLANT. IN THE PAST, THE CONDITIONS HAVE NOT BEEN FOLLOWED. IT SHOULD NOT BE THE NEIGHBORS BURDEN TO CALL EVERY TIME. THERE SHOULD BE REGULAR INSPECTIONS. THE HOURS OF OPERATION ARE NOT ADHERED TO AND IT DOESN'T MAKE SENSE TO HAVE THEM IF THEY CAN WORK OUTSIDE THOSE HOURS SIMPLY BY CONTACTING COMMUNITY DEVELOPMENT. PREVIOUSLY, THEY HAD BEEN TOLD NOT TO WORK WHEN THE KIDS ARE GETTING ON AND OFF BUSES. SHE ASKED IF THE CUP WAS CONNECTED TO THE BUSINESS REQUESTING IT. MATT REPLIED THE CUP GOES WITH THE LAND NOT THE COMPANY. SHE BELIEVES THERE ARE INCONSISTENCIES BETWEEN WHAT IS APPROVED AND WHAT IS ACTUALLY GOING ON. IT WOULD BE BETTER SUITED TO MOVE TO THE GRAVEL PIT IN THE MAESER AREA. THERE IS AN INVESTMENT AT THIS LOCATION BUT IT WAS APPROVED AS TEMPORARY. THE ORDINANCE ONLY ALLOWS A CEMENT PLANT IN INDUSTRIAL 2 ZONING. IT IS CONDITIONALLY PERMITTED IN I-1 AND C-2 AND NOT ALLOWED IN THE OTHERS. THIS IS AN AGRICULTURAL AREA WITH RESIDENCES. COMMISSIONER MCKEE NOTED GRAVEL AND ROCK QUARRIES ARE ALLOWED IN AGRICULTURAL ZONING AS WELL AS ROCK RUSHERS AND MIXING PLANTS. KIM HASLEM ADDED A PREVIOUS MISTAKE DOES NOT MEAN IT SHOULD BE CONTINUED.

COMMISSIONER STRINGER ASKED MATT CAZIER IF THERE HAS BEEN A DECIBEL REVIEW. COMMUNITY DEVELOPMENT HAS RECENTLY DISCUSSED PURCHASING THE EQUIPMENT TO DO SUCH THINGS. THE APPLICANT PROVIDED A DECIBEL LEVEL MAP. THE EQUIPMENT WAS RUNNING WHEN IT WAS TAKEN. 60 DECIBELS IS A NORMAL CONVERSATION. THE HIGHEST DECIBEL RECORDED WAS ON THE ACCESS WHEN A TRUCK DROVE BY WITHOUT A JAKE BREAK AND IT READ 86.2.

BRANDON PACK, GENERAL MANAGER OF BURDICK MATERIALS, ADDRESSED THE MEETING. THEY WOULD BE VERY OPEN TO MEETINGS WITH THE RESIDENCES. ALL THE ISSUES CAN BE MITIGATED. BURDICK WAS ACQUIRED BY BAKER PARSONS. WHEN THEY MADE THE NOISE MAP, ALL THE EQUIPMENT WAS TURNED ON. HE ASKED THEM TO CONSIDER ALL THE COMPROMISES ALREADY MADE. THEY DID NOT KNOW THEY HAD TO NOTIFY COMMUNITY DEVELOPMENT WHEN THEY NEEDED TO WORK OVER THE HOURS OF OPERATION BUT THEY DO THAT NOW. HE EXPRESSED

CONCERN THREE MONTHS IS NOT SUFFICIENT TIME TO GET ALL THE TESTING FOR AIR QUALITY AND OTHER CONCERNS COMPLETED. HOWEVER, THE CUP EXPIRES THE END OF OCTOBER AND THEY WOULD NEED A TEMPORARY STAY TO ALLOW THEM TO OPERATE.

COMMISSIONER STRINGER NOTED THEY ALREADY HAVE THE INFORMATION THEY NEED TO ANSWER HIS QUESTION. BRANDON PACK RESPONDED TO ONE OF HIS QUESTIONS: THE MINIMUM PERMIT IS BASED ON THE SIZE OF THE FACILITY AND THIS FACILITY IS DEFINED AS SMALL SO THEY FOLLOW THOSE REGULATIONS. COMMISSIONER STRINGER WOULD ALSO LIKE TO DISCUSS IT WITH THEIR ENVIRONMENTAL PERSON. BRANDON ALSO NOTED THEY DO NOT OWN PROPERTY IN THE BASIN BUT THEY LEASE PROPERTY AND MOVING TO THE MAESER LOCATION IS NOT POSSIBLE IN THE NEXT SIX MONTHS. COMMISSIONER RAYMOND ASKED HIM IF THIS WAS NO LONGER A TEMPORARY LOCATION. BRANDON SAID IT IS HARD TO ANSWER BUT WILL BE EVALUATED.

COMMISSIONER MCKEE NOTED IF THIS IS PERMANENT, MITIGATION PLANS WOULD BE DIFFERENT THAN IF THE LOCATION WAS TEMPORARY. COMMISSIONER STRINGER WOULD LIKE TO GET AWAY FROM THE RELATIVE TERMS OF TEMPORARY AND PERMANENT AND WOULD LIKE A TIMELINE FOR THEIR INTENT AT THIS LOCATION. COMMISSIONER RAYMOND WOULD LIKE TO SEE STRONGER MITIGATION SOLUTIONS IF THEY INTEND TO STAY LONG TERM. THERE HAVE BEEN ENOUGH EXTENSIONS AND A PERMANENT SOLUTION SHOULD BE SOUGHT.

BRYAN MEIER ASKED BRANDON PACK IF THE SITE WAS REGULATED BY MSHAW AND IT IS NOT. IT IS REGULATED BY OSHA.

DAVID FAIREY ADDED THE NEW OWNERS OF THE PLANT MAYNOT BE AWARE OF SOME OF THE ISSUES. IT WOULD BE BENEFICIAL TO SIT DOWN TO FIND SOLUTIONS BUT IS CONCERNED THE COMPANY FEELS LIKE THE NEIGHBORS WILL JUST HAVE TO DEAL WITH IT.

COMMISSIONER RAYMOND RESTATED HIS MOTION TO TABLE THE ITEM FOR THREE MONTHS TO BE BACK ON THE AGENDA FEBRUARY 1ST AND WITHIN THAT TIME ALL PARTIES INVOLVED NEED TO COME UP WITH A PLAN FOR MITIGATION TO ADDRESS ALL THE ISSUES AND COME UP WITH A RESOLUTION. THEY WILL BE ALLOWED TO CONTINUE OPERATING UNDER THE EXISTENT CUP UNTIL THAT TIME. IF A RESOLUTION CAN BE FOUND BEFORE FEBRUARY 1ST, THAT WOULD BE FANTASTIC AND NOTICES WOULD BE SENT OUT. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

UPDATE CAPITOL IMPROVEMENT PROJECT LIST FOR THE COMMUNITY IMPACT BOARD (CIB)

CODY CHRISTENSEN, UINTAH BASIN ASSOCIATION OF GOVERNMENTS, NOTED THE UINTAH TRANSPORTATION SPECIAL SERVICE DISTRICT ASKED TO ADD ROAD IMPROVEMENTS ON LELAND BENCH TO THE ONE YEAR CAPITAL IMPROVEMENT LIST.

COMMISSIONER RAYMOND MOVED TO APPROVE THE CAPITAL IMPROVEMENT LIST ADDITION. COMMISSIONER STRINGER SECONDED. MOTION PASSED UNANIMOUSLY.

BOARD APPOINTMENTS: NONE

PUBLIC INPUT:

MICHAEL WILKINS TOOK A MOMENT TO REMIND EVERYONE THERE WILL BE A PUBLIC HEARING HELD TUESDAY NIGHT AT 6 PM TO DISCUSS PROPOSITION A AND PROPOSITION I ON THE BALLOT.

THERE WILL NOT BE A MEETING NEXT WEEK DUE TO THE ELECTION.

ADJOURN: MEETING ADJOURNED AT 12:56 P.M.


MICHAEL MCKEE, CHAIR




MICHAEL W. WILKINS, CLERK-AUDITOR